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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/694,207	10/27/2003	Ekambar R. Kandimalla	HYB-005US7

WAYNE A. KEOWN  
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RECEIVED  
AUG 6 2004

CONFIRMATION NO. 3842

FORMALITIES LETTER



\*OC000000013437213\*

BY:.....

Date Mailed: 08/04/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A request to transfer the computer readable form from another application on file at the U.S. Patent and Trademark Office has been submitted as permitted by 37 CFR 1.821(e). However, the request cannot be complied with since there is no compliant CRF present at the United States Patent and Trademark Office. Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

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*A copy of this notice **MUST** be returned with the reply.*

*Almud*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/694,207	
	Filing Date	October 27, 2003	
	First Named Inventor	Kandimalla et al.	
	Art Unit	1635	
	Examiner Name	N/A	
Total Number of Pages in This Submission	6	Attorney Docket Number	HYB-005US7

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b> 1. Post Card 2. Copy of Notice to Comply 3. Copy of Statement under 37 C.F.R. 1.821(e)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joseph C. Zuccherro, Reg. No. 55,762
Signature	<i>Joseph C. Zuccherro</i>
Date	August 25 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Laura Labrier		
Signature	<i>Laura Labrier</i>	Date	8/25/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Patent Application  
Attorney's Docket No.: HYB-005US7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ekambar R. Kandimalla, Qiuyan Zhao, Dong Yu, Sudhir Agrawal  
Application No.: 10/694,207 Group: 1635  
Filed: October 27, 2003 Examiner: n/a  
Confirmation No.: 3842  
For: MODULATION OF IMMUNOSTIMULATORY ACTIVITY OF  
IMMUNOSTIMULATORY OLIGONUCLEOTIDE ANALOGS BY  
POSITIONAL CHEMICAL CHANGES

\*\*\*\*\*  
**CERTIFICATE OF MAILING**

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8/25/04

Signature

Laura Labier

Printed Name:

Laura Labier

\*\*\*\*\*  
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**REPLY TO NOTICE TO COMPLY**

Sir:

This Reply is being filed in response to the Second Notice to Comply mailed from the United States Patent and Trademark Office (USPTO) on August 4, 2004 in the above-identified application.

On April 1, 2004, Applicants filed a STATEMENT UNDER 37 C.F.R. §1.821(e) (Statement), requesting that the computer readable form (CRF) of the Sequence Listing filed in parent application 09/965,116 ('116 application), filed March 8, 2002, be used in the instant application as the Sequence Listings are identical (a copy of the Statement is

Kandimalla  
Application No. 10/694,207  
Filed October 27, 2003

enclosed herewith). The request to transfer the CRF was denied on the grounds that there is no compliant CRF present in the '116 application.

On August 17, 2004, Applicants held a telephonic interview with Mark Spencer of the the USPTO's Scientific and Technical Information Center. Mark Spencer confirmed that a compliant CRF is present in the '116 application and that the Second Notice to Comply was issued in error. Applicants' respectfully request that the Second Notice to Comply be withdrawn and that the CRF of the Sequence Listing filed in the '116 application be transferred to the instant application.

Respectfully submitted,

Date: August 25, 2004

Joseph C. Zuccherro  
Joseph C. Zuccherro  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Kandimalla et al.  
**Serial No.:** 10/694,207  
**Filed:** October 27, 2003  
**Entitled:** MODULATION OF IMMUNOSTIMULATORY ACTIVITY OF  
IMMUNOSTIMULATORY OLIGONUCLEOTIDE ANALOGS BY  
POSITIONAL CHEMICAL CHANGES  
**Group Art Unit:** 1635  
**Attorney Docket No.:** HYB-005US7 (1006/006)

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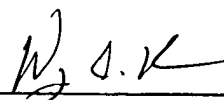
**STATEMENT UNDER 37 C.F.R. §1.821(e)**

Sir:

The Sequence Listing in this application, U.S.S.N. 10/694,207, is identical to the computer readable copy of the Sequence Listing filed in application 09/712,898, filed November 15, 2000. In accordance with 37 CFR 1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is in a separately filed preliminary amendment for incorporation into the instant specification.

Respectfully submitted,

Date: 4/1/04

  
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